

REMARKS/ARGUMENTS

The Invention

The invention relates to polypeptides having PhzO activity which are encoded by nucleic acids of defined structure.

Response to Notice of Non-Compliant Amendment under 37 C.F.R. §1.121

In the Notice, the Examiner indicates that: "A complete listing of all the claims is not present."

On March 26, 2004, Applicants filed the present, Divisional application together with a Preliminary Amendment. In the Preliminary Amendment, Applicants cancelled claims 1-7, and 10. Cancellation of claims 1-7, and 10, left only claims 8 and 9 pending. Applicants now recognize that in previous responses the cancelled claims have not been indicated. Appropriate correction has been made.

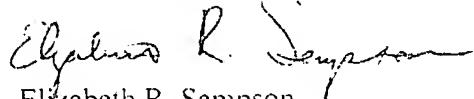
Applicants respectfully request withdrawal of the objection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-559-6066.

Respectfully submitted,


Elizabeth R. Sampson
Reg. No. 52,190

USDA, ARS, OTT
800 Buchanan Street
Albany, California 94710
Tel: 510-559-6066
Fax: 510-559-5736